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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,922	04/25/2001	Jeremy S. Cooper	2018.0070001	6528
26111	7590	06/03/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				TO, BAOQUOC N
		ART UNIT		PAPER NUMBER
				2162

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,922	COOPER, JEREMY S.	
	Examiner	Art Unit	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,4-12,16,18-26,28,30,31 and 36-39 is/are pending in the application.
 4a) Of the above claim(s) 1, 3, 13-15, 17, 27, 29 and 32-35 is/are withdrawn from consideration. *Cancelled*.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2,4-12,16,18-26,28,30,31 and 36-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/22/2004 has been entered.

2. Claims 1, 3, 13-15, 17, 27, 29, 32-35 are canceled, claims 36-39 are newly added in the amendment filed on 12/22/2004. Claims 2,4-12,16,18-26, 28, 30-31 and 36-39 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2,4-12,16,18-26, 28, 30-31 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Monberg et al. (US. Patent No. 6,523,021).

Regarding on claim 36, Monberg teaches a method of performing a proximity search, comprising the steps of:

(a) receiving a search radius defining a circular search area centered around a predetermined position (radius) (col. 9, lines 15-16);

(b) calculating a set of latitudes and longitudes (algorithm may calculate the latitude and longitude may then used when processing searches to locate business listing) (col. 11, lines 6-12) to define a smallest square search area into which the circular search area can fit based on the search radius (col. 8, lines 15-28); and

(c) comparing the set of latitudes and longitudes to position information in a plurality of records stored in the database (col. 11, lines 19-33).

Regarding on claims 2, 16 and 28, Monberg teaches determining which of the position in plurality of records is within the circular search area base on step (c) (col. 9, lines 42-54).

Regarding on claims 4, 18 and 30, Monberg teaches the position information in the plurality of records includes a latitude and a longitude associated with a position (col. 6, lines 59-65), and

Wherein the smallest square search area covers a latitude range and a longitude range corresponding respectively to a height and a width of the smallest square search area, the height and the width corresponding to a

distance equal to at least twice search radius (the power of two sized squared)

(col. 9, 15-28), and

Wherein step (c) comprises respectively comparing the latitude and the longitude associated with the plurality of records to the latitude rang and the longitude range covered by the smallest square search area to determine which of the position information plurality of records is within the smallest square search area (these ranges of grid codes provide candidate businesses i.e. businesses that are approximate to the desired radius from the target) (col. 9, lines 15-28).

Regarding on claims 5, 19 and 31, Monberg teaches calculating respective latitudes and longitudes of a least first, second, and third corner of the smallest square search area, wherein the latitude range extends between the latitude of the first and the second corners of the smallest square search area and the longitude range extends between the longitudes of the second and the third corners of the smallest square search area (calculating position including the longitude and longitude) (col. 9, lines 15-28).

Regarding in claims 6 and 20, Monberg teaches calculating the latitudes and the longitudes of at least the first, the second, and the third corners of the smallest square search area, wherein the first, the second, and the third corners of the square area, wherein the first and second corner are at a same longitude but different latitudes and the second and the third corners are at a same latitude but different longitudes (col. 9, lines 15-28).

Regarding in claims 7 and 21, Monberg teaches calculating an angular width of the smallest square search area, the angular width being subtended by at least the width of the smallest square search area (col. 9, lines 15-28); and

Calculating an angular height of the smallest square search area, the angular height being subtended by at least the height of the smallest square search area (col. 9, lines 15-28).

Regarding on claims 8 and 22, Monberg teaches predetermined position has a latitude and a longitude, and wherein the step (b) further comprises the steps of:

Calculating respective latitudes for the first, the second and the third corners using the predetermined position latitude and the angular height of the smallest square search area (calculate the longitudes and the latitudes) (col. 11, lines 5-10); and

Calculating respective longitudes for the first, the second and the third corner using the predetermined position longitude and the angular width of the smallest square search area (col. 11, lines 15-10).

Regarding on claims 9 and 23, Monberg teaches step (a) comprises the step of receiving an information request associated with the predetermined position and the search radius (if a specific radius has been requested, the processing is generally completed after the first search) (col. 9, lines 29-30).

Regarding on claims 10 and 24, Monberg teaches (e) sending a search result based on the records associated with position information determined to be

within the smallest square search area at step (c), to fulfill the information request (col. 11, lines 15-33).

Regarding on claims 11 and 25, Monberg teaches step (b) further comprises calculating the circular and the smallest square search areas using non-planar geometry (col. 11, lines 5-10).

Regarding on claims 12 and 26, Monberg teaches step (b) further comprises calculating the circular and the smallest square search areas using planer geometry (col. 11, lines 5-10).

Claim 37 is rejected under the same reason as claim 36, additionally Monberg teaches mapping the circular search are to a smallest square search area into which the circular search area can fit based on the search radius and being defined in terms of a set of latitude and longitudes (col. 9, lines 15-20).

Claim 38 is rejected under the same 36; in additionally Monberg teaches a database including a plurality of records storing position-information (col. 6, lines 45-47).

Claim 39 is a computer program product which having computer-readable program code for performing the method of claim 36; therefore, it is rejected under the same reason.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

Art Unit: 2162

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

May 26, 2005



JEAN M. CORRIELUS
PRIMARY EXAMINER